

COURT FILE NUMBER	2501-
COURT/BANKRUPTCY FILE NO.	25-3256646
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF: SUPERIOR PAINT & AUTOBODY CORP.	
APPLICANT	SUPERIOR PAINT & AUTOBODY CORP.
DOCUMENT	ORIGINATING APPLICATION
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	DS LAWYER CANADA Attention: Jean-Yves Simard & Lindsay Amantea 333 7 Ave SW #800, Calgary, AB T2P 2Z2 Telephone: (403) 264-1915 Fax: (403) 266-6016 Email: jysimard@dsavocats.ca Email: lamantea@dsavocats.ca File No. 42381.001

Clerk's Stamp



NOTICE TO THE RESPONDENTS

This application is made against you. You are a respondent.
You have the right to state your side of this matter before the Court.

To do so, you must be in Court the when the application is heard as show below:

Date: September 3, 2025
Time: 10:00 AM
Where: Calgary Court Center, 601-5th St SW. Calgary, AB T2P 5P7

Go to the End of the document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Superior Paint & Autobody Corp. ("Superior" or the "Company") seeks an order for the following relief:

- (a) Abridging the time for service of this Application and any supporting materials and/or waiving service on any other party, and/or deeming service thereof to be good and sufficient;
- (b) Extending the Stay Period (as defined herein) pursuant to section 50.4(9) of the Bankruptcy and Insolvency Act, RSC 1985, c. B-3, as amended, for an additional period of 45 days from September 5, 2025 to and including October 20, 2025;
- (c) Approving the First Report (as defined below) and the activities of the Trustee (as defined below) set out therein; and

2. Such further and other relief as counsel may request and this Honourable Court may deem just.

Grounds for making this application:

- 3. On August 6, 2025, Superior filed a Notice of Intention to Make a Proposal ("NOI") under the Bankruptcy and Insolvency Act, RSC 1985, c. B-3 (the "BIA"). Albert Gelman Inc. consented and was appointed to act as trustee under the NOI (the "Trustee").
- 4. As a result of Superior filing the NOI, all proceedings against Superior and its assets were automatically stayed for an initial period of thirty (30) days (the "Stay Period"), to September 5, 2025.
- 5. Superior has been locally owned and operating since 1939 as an auto body repair shop in Calgary. It offers a full range of automobile services including namely collision repairs, mechanical services, glass replacements and wheel alignments.
- 6. Superior currently employs approximately 30 staff, including automotive mechanics, technicians and office staff.
- 7. Superior has encountered financial difficulties which resulted in certain creditors initiating enforcement proceedings, including the Canada Revenue Agency with a garnishment of Superior's bank account and Requirement to Pay notices. Superior was then forced to file the NOI to place itself under the protection of the BIA.

8. Since the filing of the NOI, Superior has sought advice from counsel and the NOI Trustee to determine how best to face its financial difficulties. With the assistance of the Trustee, Superior has been in contact with CRA to discuss potential avenues.
9. Superior will not be able to come up with a restructuring plan and file a proposal within the initial 30-day suspension afforded by the BIA, thus it requests a first extension the Stay Period for 45 days from September 5, 2025.
10. Superior has filed its statutory cash-flow statement in due course with the official receiver and has honoured all its post filing obligations and will continue to do so.
11. Superior has acted, and will continue to act, in good faith and with due diligence and submits that no creditor will be materially prejudiced should the requested extension be granted.

Extension of Stay Period

12. The Trustee is of the view that Superior is acting in good faith and with due diligence and supports the extension requested by Superior, as shall appear from its First Report of the Trustee (the “**First Report**”) to be filed in the Court record.
13. An extension of the Stay Period under section 50.4(9) of the BIA is necessary to preserve Superior’s business and property while Superior and the Trustee continue to work on a restructuring strategy for Superior, to monetize and maximize the value of its assets and business for the benefit of Superior’s stakeholders. The preservation of Superior’s business and property will also maintain the potential for Superior to make a viable proposal to its creditors.

Material or Evidence to Relied On:

14. The First Report, to be filed;
15. The Affidavit of Nadyne Brost, to be filed;
16. All pleading, affidavits and other materials filed in this Action; and
17. Such further and other material or evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

18. *Alberta Rules of Court*, Alta Reg 124/2010, as amended.

Applicable Acts and regulations:

19. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c B-3, section 50.4(9); and

20. Such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

21. None

How the application is proposed to be heard or considered:

22. Via Webex

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order that the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.